

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

UNITED STATES OF AMERICA,

v.

LANDO CARTER,

Defendant.

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CRIMINAL FILE NO.

1:11-CR-336-TWT

**ORDER**

This is a criminal action in which the Defendant robbed an ATM service technician at gunpoint. It is before the Court on the Defendant's Motion to Vacate Sentence [Doc. 45]. The Defendant pleaded guilty to one count of a Hobbs Act robbery and one count of carrying and using a firearm during a crime of violence. The Defendant's motion to vacate sentence is procedurally barred because the Defendant failed to raise the claim on direct appeal. This is not a *Johnson v. United States* case because the Defendant was not charged with being an Armed Career Criminal. Even if *Johnson* applies, the Hobbs Act robbery is a crime of violence. See In re Fleur, 2016 WL 3190539 (11<sup>th</sup> Cir. 2016). The Defendant's Motion to Vacate

Sentence [Doc.45] is DENIED.

SO ORDERED, this 24 day of August, 2016.

/s/Thomas W. Thrash  
THOMAS W. THRASH, JR.  
United States District Judge